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# Southeast Idaho UPDATE



U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 10

August 2000

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## Highlighting EPA's Activities in Southeast Idaho

*The Environmental Protection Agency (EPA), Idaho Division of Environmental Quality, Shoshone-Bannock Tribes, and local governments all share the responsibility to protect the quality of the soil, water, and air. This newsletter highlights those activities where EPA has the primary responsibility for enforcing federal environmental laws in the Southeast Idaho area.*

*EPA wants to provide you with useful environmental information about our activities in your area. Please feel free to call, write, or e-mail and let us know how we can improve this newsletter to better meet your needs.*

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*EPA would like to thank readers for responding to the questionnaire that was mailed with the July 2000 issue of SE Idaho Update. Your comments are very important to us and we will use them to continue to improve this newsletter.*

Definitions of words and phrases throughout this newsletter printed in bold and italics have been included in the Glossary at the end of the newsletter.

## Public Comments Now Being Accepted on Proposed Waste Treatment System

A 45-day public comment period started on August 21, 2000, for the proposed waste treatment system at the FMC/Astaris elemental **phosphorus** facility on the Fort Hall Indian Reservation outside of Pocatello, Idaho. The Environmental Protection Agency (EPA) invites you to submit your comments to the address shown below no later than October 4, 2000.

The waste treatment system, known as the ***Land Disposal Restrictions (LDR)*** Treatment System, has been proposed by FMC/Astaris to meet requirements in the ***Resource Conservation and Recovery Act (RCRA) Consent Decree*** entered between FMC, EPA, and the United States Department of Justice. The RCRA Consent Decree requires FMC/Astaris to design and build a system to treat its waste before it can be placed in a landfill or surface impoundment.

The design and operating plans were submitted to EPA on March 31, 2000, in accordance with the RCRA Consent Decree, and have been available for public review since May 18, 2000, at the information repository locations listed below. EPA is required by the RCRA Consent Decree to approve or disapprove the proposed system by December 1, 2000. Astaris may not begin operations of the treatment system without EPA approval. Comments received during the public comment period will be considered in EPA's final decision.

*The July issue of the SE Idaho Update provided a summary of the proposed LDR Treatment System and its major components. If you did not receive a copy or would like another one, please contact Charles Bert at the phone number or e-mail shown on the back of this newsletter*

### ***Where Can I Get More Information?***

Copies of the FMC/Astaris LDR Treatment System design and operating plans are available for review at the following information repository locations:

Idaho State University Library  
Government Documents Department  
850 South 9th Avenue (9th and Terry)  
Pocatello, Idaho 83209  
(208) 236-2940

Shoshone-Bannock Library  
Pima Drive and Bannock Avenue  
Fort Hall, Idaho 83203  
(208) 238-3700; or contact Susan Hanson,  
Sho-Ban RCRA Program, at (208) 478-3903

### ***Where Do I Send My Comments?***

Written comments and requests for modifications must be submitted no later than ***October 4, 2000***, to:

Linda Meyer  
U.S. Environmental Protection Agency  
1200 Sixth Avenue, (WCM-121)  
Seattle, Washington 98101

### ***Will There Be Any Public Meetings?***

FMC/Astaris held informational open houses in Pocatello and Fort Hall on August 15 and 16 to answer questions from the community about their proposal for the LDR Treatment System. EPA is considering holding its own open houses in September to provide you with an opportunity to discuss the proposal with EPA staff. EPA's decision to hold these sessions will be based on the level of public interest, so please let us know by **Friday, September 1, 2000**, if you would like us to schedule informational open houses on the proposed LDR Treatment System by contacting Charles Bert at the phone number or e-mail shown on the back of this newsletter, or Mark Masarik at (208) 378-5761, e-mail: [masarik.mark@epa.gov](mailto:masarik.mark@epa.gov).

#### **Summary of Key RCRA Milestones**

- EPA 45-day public comment period began August 21, 2000.
- EPA may hold public open house sessions in Pocatello and Fort Hall during the 45-day comment period if there is sufficient public interest.
- EPA must approve or disapprove the design and operating plans by December 1, 2000; if approved, FMC/Astaris RCRA "Part B" Permit Application due to EPA on March 31, 2001.

## **EPA Issues Final Air Pollution Rules for Astaris**

EPA has issued air pollution rules for the Astaris phosphorus plant located on the Fort Hall Reservation outside of Pocatello, Idaho. These new air pollution rules, called a Federal Implementation Plan (FIP), will be enforced by the U.S. Environmental Protection Agency.

### ***Why is This Important?***

This action, for the first time, establishes air pollution control requirements that are enforceable under federal law for the Astaris facility. These requirements will:

- limit emissions of **particulates (PM-10)**;
- limit visible air pollution from most **sources** at the facility;
- require Astaris to monitor how well the control technology is working; and
- require Astaris to keep records and report on performance and compliance.

***What is Astaris Required to Do?***

Astaris is installing \$65 million in air pollution control technology. This new technology will reduce particulates from the facility by as much as 80%, and will greatly reduce visible air pollution.

***How will EPA, the Shoshone-Bannock Tribes, and the Public Know Astaris is Meeting the Requirements of the FIP?***

EPA has committed to a strict inspection and oversight role with specific milestones for the next 18 months, including unannounced facility inspections, observation of selected air pollution source tests, review of operation and maintenance plans and records, and oversight of control technology performance. In addition, EPA anticipates signing an agreement with the Shoshone-Bannock Tribes that will formalize the Tribes' joint role with EPA in monitoring compliance at the facility on a routine basis.

***When Will Astaris Need to Comply with the Requirements?***

Most of the emissions limits become effective 90 days after publication of the FIP in the Federal Register which occurred on August 23, 2000. Emissions limits for sources that require significant engineering design and construction have later compliance dates:

- hot pour slag handling systems to be installed on remaining furnaces by November 1, 2000;
- calciner scrubber system to be modified by December 1, 2000;
- elevated and ground flares to be replaced with an excess carbon monoxide burner by January 1, 2001;
- upgrades to the furnace building to be completed by April 1, 2002.

***How Will This Improve Air Quality?***

These rules will reduce particulate pollution and improve visibility on the Fort Hall Reservation and in the Pocatello area. After the required controls are in place, air pollution levels are expected to fall below the level of the federal standard of 150 micrograms per cubic meter. In fact, EPA engineers expect that PM-10 levels will rarely reach 95 micrograms per cubic meter at Fort Hall Reservation monitors. This level is equivalent to a 78% reduction of "worst case" daily emissions, which in the past have been recorded as high as 433 micrograms per cubic meter for PM-10 levels in a 24-hour period. Visible pollution will also be greatly reduced as a result of these controls.

***When Will We See These Improvements?***

Some major improvements in control technology have already been installed and are in operation at Astaris. However, the control technology with the greatest impact will begin operation in November and December 2000. By January 1, 2001, significant and permanent improvements in air quality will be achieved.

### ***Where Can I Find the New Rules?***

The text of the rules published in the Federal Register on August 23, 2000, can be found on the EPA website at: [www.epa.gov/fedrgstr](http://www.epa.gov/fedrgstr) (click on August 23, 2000 on the calendar, then scroll down to Environmental Protection Agency RULES); copies are available by contacting Charles Bert, EPA Outreach Coordinator, at (800) 424-4372, extension 0225, or e-mail at [bert.charles@epa.gov](mailto:bert.charles@epa.gov).

**Questions?** If you have questions about EPA's air pollution rules for the Astaris facility, please contact:

#### **Steve Body**

EPA Region 10, Office of Air Quality  
(800) 424-4372, extension 0782  
e-mail: [body.steve@epa.gov](mailto:body.steve@epa.gov)

## **Shoshone-Bannock Tribes Receive "Treatment as a State" Designation**

EPA has approved an application by the Shoshone-Bannock Tribes for "treatment in the same manner as a state" for certain federal Clean Air Act (CAA) programs. The Shoshone-Bannock Tribes are the first in Region 10 to receive this approval.

The approval means the Shoshone-Bannock Tribes will receive "treatment in the same manner as a state" under sections 105, 106, 107 (c)-(e), and 505(a)(2) of the CAA. These sections make federal grant funding available to the Tribes for air pollution control programs more secure, and give them authority to act as a state in regional air quality decision-making.

In addition, Section 505(a)(2) recognizes the Shoshone-Bannock Tribes as an "affected state" for issues relating to Title V of the CAA. As an "affected state," the tribes must be notified and allowed to comment on air permit notices and draft permits for facilities located where air emissions may affect the Reservation, or in areas within 50 miles of the Reservation, including portions of the States of Idaho, Utah, and Wyoming.

### ***Background***

In 1998, EPA adopted the Tribal Authority Rule which established a process for federally recognized tribes to apply to EPA to receive "treatment in the same manner as a state" for specific CAA provisions if the tribe meets certain criteria. This designation allows tribes to fill the role specified for a state under a particular provision of the 1990 CAA amendments.

### ***Where Can I Get More Information?***

Copies of the Shoshone-Bannock Tribes' application, the Fort Hall Reservation legal boundary description, and EPA's Eligibility Determination are available for review at the following locations:

EPA Idaho Operations Office  
1435 North Orchard Street  
Boise, ID 83706

Shoshone-Bannock Library  
Pima Drive and Bannock Avenue  
Fort Hall, Idaho 83203

**Questions?** If you have questions about the Shoshone-Bannock Tribes "Treatment as a State" determination, please contact:

**Rich McAllister**  
EPA Region 10, Office of Regional Counsel  
424-4372, extension 8203

**Farsi Farshid**  
Shoshone-Bannock Tribes, Air Program (800)  
(208) 478-3853

## **Updates...**

### ***Hazardous Materials Cleanup to Begin at Fort Hall***

During the week of August 28, 2000, the EPA began cleanup activities at the Old Tribal/BIA Compound located on the Fort Hall Indian Reservation. The area was used for surplus storage by the Shoshone-Bannock Tribes and the Bureau of Indian Affairs (BIA). It is considered a threat to human health and the environment because it contains many hazardous materials that have not been properly stored or identified, and access to the site is not properly restricted. People working at the site will be wearing protective clothing and may work at night if daytime temperatures are high. Work is expected to be completed within two weeks. For more information contact: Jeffry Rodin, EPA, (800) 424-4372, extension 6709; or Susan Hanson, Shoshone-Bannock Tribes, (208) 478-3903; or Sam Hernandez, BIA, (208) 238-2305.

### ***Eastern Michaud Flats Superfund Site***

EPA met with the Shoshone-Bannock Tribes and the State of Idaho on August 18, 2000, to discuss a schedule for reevaluating specific portions of the Eastern Michaud Flats Superfund Record of Decision. Results from the meeting will be discussed in the next issue of SE Idaho Update.

## Who is Astaris?

On April 17, 2000, the FMC Corporation's elemental phosphorus facility on the Fort Hall Reservation outside of Pocatello became part of a joint venture that combines the phosphorus businesses of FMC Corporation and Solutia, Inc. The resulting company, called Astaris, is headquartered in St. Louis, Missouri. Although Astaris will operate the facility, FMC Corporation will retain financial responsibility for developing and constructing environmental improvements required by EPA relating to historical operations at the facility. For purposes of this newsletter, and in cases where the responsibilities of each company for design, building, and operation of various pollution control improvements may overlap, we will refer to the facility as FMC/Astaris.

## Glossary

**Consent Decree:** A legally enforceable court order. The RCRA Consent Decree between FMC, EPA, and the U.S. Department of Justice was officially entered by the U.S. District Court of Idaho in July 1999.

**Land Disposal Restrictions (LDR):** RCRA regulations that establish treatment requirements to protect human health and the environment when hazardous wastes are placed in a landfill, pond, or surface impoundment.

**Particulates:** Tiny particles of solid material or liquid droplets in the air such as soot, dirt, dust, fumes, acid mists, and smoke that come from industrial sources, cars, and wood burning.

**Phosphorus:** A chemically reactive element found in nature only in combination with other elements. This combination is known as a chemical compound. The Astaris facility separates pure phosphorous from the chemical compound which is then sold for use in other products.

**PM-10:** Particulates that are less than 10 micrometers in diameter. PM-10 is a threshold established by EPA for particulates that pose the greatest risk to human health because of their microscopic size which allows them to travel deep into lung tissue.

**Resource Conservation and Recovery Act (RCRA):** A federal law established in 1976 that is the basis of hazardous waste disposal regulations.

**Source:** The point of origin of pollution released into the air, water, or land. A facility such as Astaris, in general, has a number of sources contained within it, including any stacks, vents, buildings, structures, material handling areas, storage piles, roads, mechanical process areas, or any other areas that may release pollution such as particulates into the environment.

For information regarding any of the information contained in this update, or to be added to the mailing list for this newsletter, please contact:

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EPA Seattle Regional Office  
1200 Sixth Avenue, ECO-081  
Seattle, Washington 98101  
(800) 424-4372, extension 0225  
E-mail: [bert.charles@epa.gov](mailto:bert.charles@epa.gov)

Other Pocatello/Fort Hall Environmental Agency Contacts:

Idaho Division of Environmental Quality  
Pocatello Regional Office  
224 South Arthur  
Pocatello, Idaho 83204  
(208) 236-6160

Shoshone-Bannock Tribes  
Land Use Commission  
P.O. Box 306  
Fort Hall, Idaho 83203  
(208) 478-3823



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Environmental Protection  
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